

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Ethicon Endo-Surgery, Inc.,  
Plaintiff,

v.

Case No. 1:07cv1016

Crescendo Technologies, LLC, *et al.*,  
Defendants.

Judge Michael R. Barrett

**Civil Minutes**  
**Jury Trial (Day 2)**  
**before the**

**HONORABLE MICHAEL R. Barrett, U.S. DISTRICT JUDGE**

**COURTROOM DEPUTY:** Barbara A. Crum

**LAW CLERK:** Stephanie Bowman

**COURT REPORTER:** *Luke Larin, Maryann Haffin, Mary Ann Rany, Officials*

**DATE:** June 4, 2009

**TIME:** *9:09 am - 4:45 pm = 5:49 p*

**Attorney for Plaintiff(s):**

Tom Rein    John Carlson (Co. Rep)  
Marc Cavan    Steve Butler

**Attorney for Defendant(s):**

Tom Kraemer    Katie Wahl  
Jean M. Beaupre (Dft)

TT

*Kevin Houser, cont'd*  
*Jeffrey Messerly,*  
*Jeffrey Vaitokunas, (via video depo.)*

**WITNESSES**

TT

*Vance Vandrake, III (via video)*  
*Vance Vandrake, Jr. (via video)*  
*Jeffrey Christian - expert (sealed transcript)*

**PROCEDURES**

<input checked="" type="checkbox"/> Counsel present	<input type="checkbox"/> Voir Dire held
<input type="checkbox"/> Jury selected and sworn	<input type="checkbox"/> Opening Statements
<input checked="" type="checkbox"/> Plaintiff calls witnesses	<input type="checkbox"/> Plaintiff admits exhibits
<input type="checkbox"/> Plaintiff rests	<input type="checkbox"/> Defendant moves for Rule 50 Motion
<input type="checkbox"/> Judge Grants/Denies Rule 50 Motion	<input type="checkbox"/> Defendant calls witnesses
<input type="checkbox"/> Defendant admits exhibits	<input type="checkbox"/> Defendant rests
<input type="checkbox"/> Defendant renews Rule 50 Motion	<input type="checkbox"/> Judge Grants/Denies Rule 50 Motion
<input type="checkbox"/> Plaintiff's rebuttal	<input type="checkbox"/> No rebuttal
<input type="checkbox"/> Jury Charge conference held	<input type="checkbox"/> Jury charged
<input type="checkbox"/> Closing Arguments	<input type="checkbox"/> Jury deliberates

Court in recess until 6/5/09 @ 9am.

Remarks: *transcripts in this matter are sealed.*  
*TT places stipulation re: facts on record*